IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Civil Contempt Petition No. 304 of 2004

Indra Mohan Rupen S/o Sri Jai Lal Rupen
Revenue Inspector, Tehri Bandh Pariyojna
New Tehri, at presently attached at Anusandhan &
Niyojan Khand – I, Gramin Punarwas
Rishikesh, Dehradun .....Applicant

Vs

1. Nrip Singh Napchiyal
   Principal Secretary Revenue
   Uttaranchal Dehradun
2. Sohan Lal Secretary
   Additional Commissioner
   Dehradun .....Respondents

Sri M.C. Pant, learned counsel for the applicant
Sri Subhash Upadhyay, learned brief holder for the State/respondents

Hon'ble B.C. Kandpal, J.

This contempt petition has been filed by the applicant – Indra Mohan Rupen on the ground that the respondents No. 1 and 2 have not complied the directions issued by this Court in Writ Petition No. 1357 of 2003 (S/S) Indra Mohan Rupen Vs State of Uttaranchal & others vide judgment and order dated 17.11.2003.

2. The respondents were directed to file the responses.

3. The responses were filed by the respondents No. 1 and 2 and they have averred in paragraph No. 4 and 3 respectively of the responses which are as follows:-

> *"4. That the contents of para 2 of the affidavit in support of the contempt application pertain to the alleged cause of action for filing the present contempt petition. In this connection, it may respectfully be pointed out that in compliance of the Hon'ble Court's order dated*

17.11.2003 the deponent vide his order No. 79 C.M./(1)/2004 and 27.12.2004 has deposed of the representations dated 25.07.2004 and 04.08.2004 made by the petitioner's wife on his behalf. For kind perusal of the Hon'ble Court the copies of representations dated 25.07.2004 and 04.08.2004 and the order dated 27.12.2004 passed by the deponent are filed herewith and marked as Annexure Nos. C.A.1, C.A.2 & C.A.3 respectively to this counter affidavit.

3. That the Hon'ble Court vide its order dated 17.11.2003 in writ petition No. 1357 (S/S) of 2003 directed the opposite party No. 1 i.e. the Principal Secretary, Revenue Department to pass a fresh order in the petitioner's matter within a period of six weeks of the receipt of the certified copy of the said order. In compliance of the Hon'ble Court's aforesaid order dated 17.11.2003 the Principal Secretary, Revenue Department vide his order No. 79 C.M./(1)/2004 dated 27.12.2004 has decided the claim of the petitioner by a speaking order and also the petitioner has already been given the pecuniary benefits under the order dated 17.11.2003. A detailed counter affidavit is also being filed by the Principal Secretary, Revenue in reply to the contempt petition whereby the compliance report is also being submitted."

4. No rejoinder affidavit has been filed by the petitioner as yet.

5. Keeping in view the averments made in the responses filed by the respondents No. 1 and 2 it is quite clear that the respondents have complied the directions issued by this Court vide judgment dated 17.11.2003.

6. In view of the aforesaid circumstances, this contempt petition is dismissed. Notices issued to the respondents No. 1 and 2 are hereby withdrawn.

(B.C. Kandpal, J.)

04.09.2006
ASWAL